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UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA

In re:)	Case no: BK-N-09-53082-GWZ
)	Chapter: 11
NEVER ENOUGH BALLROOM, LLC,)	
)	MOTION TO CONVERT
)	CASE TO CHAPTER 7 OR
)	DISMISS PURSUANT TO
)	11 U.S.C. § 1112(b)
)	
)	Hearing Date: April 20, 2011
)	Hearing Time: 2:00 p.m.
Debtor.)	Est. Time Req.: 10 min.

The Acting United States Trustee (“US Trustee”), hereby moves to convert this case to chapter 7 or dismiss this case based upon the Debtor's failure to comply with the requirements of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure (“FRBP”), and the United States Trustee Program Guidelines (“Guidelines”).

This Motion is based upon:

1. The Debtor’s failure to file operating reports; and
2. The Debtor’s failure to timely pay quarterly fees.

This Motion is based upon the following points and authorities, together with the entire record in this case, of which the US Trustee respectfully requests the Court take judicial notice, and such evidence as may be introduced at the hearing.

POINTS AND AUTHORITIES

Pursuant to 28 U.S.C. § 586(a)(3), the US Trustee is charged with the responsibility for supervising the administration of cases and trustees in cases under chapters 7, 11, 12 and 13 of Title

11. To enable the US Trustee to carry out that duty, Congress has granted the US Trustee standing to raise and to "appear and be heard on any issue in any case or proceeding" brought under the Bankruptcy Code. 11 U.S.C. § 307. "In any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making the finding to the court for relief." 28 U.S. C. § 586(a)(8).

A. Statement of Facts.

1. The Debtor commenced this case by filing a voluntary petition under chapter 11 on September 4, 2009. Docket # 1.

2. The Debtor has filed the monthly operating reports through October, 2010. However, the Debtor has failed to file the post confirmation operating report for the fourth quarter of 2010. Prior to the time of the hearing on this motion, the quarterly post confirmation operating report for the first quarter of 2011 will also have become due.

3. The Debtor is delinquent an estimated **\$3,594.08** for the payment of chapter 11 quarterly fees.

4. The Debtor confirmed a plan on October 8, 2010. Docket # 61.

B. Discussion.

1. The Debtor's failure to file required Monthly Operating Reports.

Pursuant to 11 U.S.C. § 704(a)(8), made applicable herein pursuant to 11 U.S.C. §§ 1107(a) and 1106(a)(1), and FRBP 2015, a debtor is required to file monthly operating reports with the Court until plan confirmation and then quarterly post confirmation operating reports.

The operating reports are intended to disclose pertinent financial information to not only the Court and the US Trustee, but to all parties in interest. This information is then intended to be used to monitor the case and to consider the proper administration and/or liquidation of assets.

The Debtor's failures to generate and file timely, reliable, and adequate operating reports is sufficient "cause" to convert or dismiss this case. 11 U.S.C. § 1112(b)(4)(F).

2. The Debtor's failure to timely pay quarterly Chapter 11 fees.

The Debtor has failed to pay an estimated \$3,594.08 in chapter 11 fees. Due to the absence of operating reports, the actual amount due cannot be determined, and this amount is subject to

change if and when disbursement information is received from the Debtor.

Debtors in chapter 11 proceedings are obligated to pay a fee for each quarterly period, including any fraction thereof, from the date the petition is filed until the case is converted or dismissed, whichever occurs first. 28 U.S.C. § 1930(a)(6). "Failure to pay any fees or charges required" is defined by statute as sufficient "cause" to convert or dismiss a chapter 11 case. 11 U.S.C. § 1112(b)(4)(K).

CONCLUSION

The Debtor's failures to perform basic required duties, file operating reports and pay chapter 11 fees, are sufficient cause to dismiss or convert this case. 11 U.S.C. § 1112(b).

Wherefore, the US Trustee requests that this Court enter an order converting this case to chapter 7 or dismissing this case, and grant such other relief as the Court may deem appropriate.

DATED this 21st day of March, 2011.

Respectfully submitted,

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/s/ **WILLIAM B. COSSITT**

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CERTIFICATE OF SERVICE

I, Robbin Little, under penalty of perjury declare: That declarant is, and was when the herein described service took place, a citizen of the United States, over 18 years of age, and not a party to nor interested in, the within action; that on March 21, I served a copy of the foregoing MOTION TO CONVERT CASE OR DISMISS on the following parties as follows:

☐ a. ECF System (attach Notice of Electronic Filing or list of persons & addresses):

RICHARD G. HILL greccelle@richardhillaw.com, cdetlie@richardhillaw.com

JOHN WHITE bankruptcy@whitelawchartered.com,
john@whitelawchartered.com;jen@whitelawchartered.com

☐ b. U.S. Mail, postage fully prepaid (list persons and addresses):

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RENO, NV 89502

EDWARD STUTESMAN
2920 MILL ST
RENO, NV 89502

ELLEN JEAN WINOGRAD
575 FOREST STREET, STE. 200
RENO, NV 89509

I declare under penalty of perjury that the foregoing is true and correct.

Signed: March 21, 2011.

/s/ Robbin Little
ROBBIN LITTLE